

Message Text

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43

ACTION L-03

INFO OCT-01 ARA-16 EUR-25 EA-11 NEA-10 IO-13 ADP-00 AF-10

RSC-01 COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-07 H-03

INR-10 NSAE-00 NSC-10 PA-03 PRS-01 SS-15 USIA-15

ACDA-19 AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04

INT-08 JUSE-00 NSF-04 OMB-01 TRSE-00 SCI-06 CEQ-02

RSR-01 /247 W

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R 131610Z AUG 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 1147

INFO USMISSION USUN NY

AMEMBASSY MOSCOW

AMEMBASSY LIMA

AMEMBASSY MADRID

AMEMBASSY SUVA

AMEMBASSY ANKARA

AMEMBASSY CANBERRA

AMEMBASSY BRASILIA

UNCLAS GENEVA 4317

E.O. 11652: N/A

TAGS: PBOR, UN

SUBJ: LOS: SEABED COMMITTEE MEETING, SC II

WORKING GROUP, AUG 10, 1973

1. WG COMMENCED DISCUSSION OF ITEM ON INNOCENT
PASSAGE THROUGH TERRITORIAL SEA. US INTRODUCED COMPARATIVE
TABLE BETWEEN 1958 CONVENTIONS ON ITEM AND PROPOSALS BEFORE
SUB COMTE II.

2. CHAIRMAN COMMENTED THAT WG SHOULD STOP TALKING ABOUT
PROCEDURE AND THAT IT WAS NOT WITHIN VENUE TO TALK
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ABOUT CONFERENCE BEGINNING. PROPOSALS OF ALL DELEGA-

TIONS WOULD BE KEPT INTACT. AN EFFORT SHOULD BE MADE TO SUBMIT CONCRETE PROPOSALS IN ALTERNATIVE ARTICLES. ALL PROPOSALS WOULD APPEAR IN REPORT TO GENERAL ASSEMBLY. WG HAD AGREED TO FOLLOW CONSOLIDATED TEXT ORDER IN SUBMISSION OF DRAFT ALTERNATIVES.

3. SOVIET REP FULLY SUPPORTED EFFORTS TO REDUCE NUMBER OF ALTERNATIVES. HE WAS INFORMED BY CHAIRMAN THAT CHAIRMEN OF WG AND SC II WOULD BEGIN WITH ARTICLE 1 ON TERRITORIAL SEA IN INFORMAL CONSULTATIONS. (AS THERE WERE NO SPEAKERS, WG MOVED ON TO NEXT TOPIC, ITEM 2.4 ON INNOCENT PASSAGE IN TERRITORIAL SEA.)

4. US REP STATED THAT IN ANALYZING VARIOUS PROPOSALS REGARDING INNOCENT PASSAGE, US HAD FOUND IT USEFUL TO COMPARE 1958 CONVENTION ON TERRITORIAL SEA AND CONTIGUOUS ZONE WITH SIMILAR PROVISIONS OF PROPOSALS BEFORE SC II. US DESIRED TO SUBMIT COMPARATIVE DOCUMENT TO WG BECAUSE IT SHOWED DIFFERENCES BETWEEN 1958 CONVENTION AND OTHER PROPOSALS. WG COULD CONSIDER 1958 CONVENTION AS US ALTERNATIVE. HE STATED THAT THOSE ASPECTS OF INNOCENT PASSAGE WHICH DEALT WITH PASSAGE THROUGH STRAITS WERE NOT PROPERLY CONSIDERED UNDER ITEM 4.2.

5. SPANISH REP STATED THAT EXAMINATION OF ITEM 2.4 WAS OF EXTRAORDINARY IMPORTANCE. IF STATES WERE ABLE TO AGREE ON THIS ISSUE THEY WOULD HAVE SOLVED ONE OF MAJOR QUESTIONS IN NEGOTIATIONS. SPAIN WOULD NOT ACCEPT US PROPOSAL THAT DRAFT ARTICLES ON INNOCENT PASSAGE SHOULD BE EXAMINED UNDER ITEM 4. SPANISH BELIEVED THAT WHEN STRAITS WERE COVERED BY TERRITORIAL SEA, NAVIGATION REGIME MUST BE THAT OF TERRITORIAL SEA. SOVIETS CAUTIONED THAT IT WAS NOT DESIRABLE TO INITIATE DISCUSSIONS OF CONCEPTS THEMSELVES AT THIS TIME. POSITION OF SOVIET AND SPANISH DELEGATIONS WAS WELL KNOWN.

6. TURKISH REP HAD NO OBJECTION TO PROPOSAL FOUND IN GENEVA CONVENTION REGARDING INNOCENT PASSAGE THROUGH UNCLASSIFIED

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TERRITORIAL SEA. HE REFERRED TO SEVERAL NOVEL ASPECTS IN PROPOSALS BEFORE COMMITTEE AND CONCLUDED THAT TURKEY FAVORED EXAMINING LEGAL REGIME FOR STRAITS DIFFERENTLY FROM PASSAGE THROUGH TERRITORIAL SEA.

7. PERU, SUPPORTED BY EGYPT, AGREED WITH SOVIETS ABOUT NOT GOING THROUGH SUBSTANTIVE DISCUSSION. SPAIN'S POSITION WAS THAT TERRITORIAL SEA REGIME APPLIED TO

STRAITS BUT OTHER DELEGATIONS SAID STRAITS SHOULD BE DEALT WITH SEPARATELY. THIS WAS MATTER FOR CONFERENCE TO DECIDE.

8. ITALY PROPOSED ALTERNATIVE TEXT WHICH WAS INTENDED TO RESERVE CONSIDERATION OF LEGAL REGIME FOR STRAITS UNDER ITEM 2.4. COLOMBIA, SUPPORTED BY MEXICO, SUGGESTED THAT 8-POWER DRAFT ARTICLES ON NAVIGATION THROUGH TERRITORIAL SEA (A/AC.138/SCII/L.18) CONTAINED MANY ARTICLES IN 1958 CONVENTION AND MIGHT SERVE AS CONSTRUCTIVE WORKING DOCUMENT. MEXICAN REP ASKED THAT, IF THERE WERE NO OBJECTION, COULD CHAIRMAN READ L.18 TO SEE HOW MANY ARTICLES WERE ACCEPTABLE AS WRITTEN. FIJI AND MALTA THEN POINTED OUT THAT THEY ALSO HAD PROPOSALS BEFORE COMMITTEE AND THAT IT WOULD BE UNFAIR TO CONCENTRATE ON ONE DOCUMENT.

9. US REMINDED COMMITTEE THAT IT HAD JUST INTRODUCED COMPARATIVE TABLE WHICH COMPARED PROPOSALS WITH 1958 CONVENTION. US BELIEVED IT WOULD BE WISE TO START DISCUSSION ON ARTICLES ON BASIS OF EXISTING LAW.

10. AUSTRALIAN REP BELIEVED DISCUSSION SHOULD CONTINUE ON BASIS OF CONSOLIDATED TEXT. HE ALSO INDICATED THAT METHODS SHOULD BE FOUND WHEREBY DELEGATIONS COULD ASSOCIATE THEMSELVES WITH PORTIONS OF PARTICULAR PROPOSALS. CHAIRMAN INSISTED ON PROCEDURES ADOPTED. REGARDING ITEM 2.3.1, PROPOSALS OF URUGUAY HAD SERVED AS BASIS BECAUSE DELEGATION OF URUGUAY HAD TAKEN TEXT OF 1958 CONVENTION AS ITS OWN.

11. NEW ZEALAND SAW GREAT MERIT IN FIJIAN DRAFT PROPOSAL. THIS WOULD BE ITS CHOICE IF ANY DOCUMENT WAS TO SERVE UNCLASSIFIED

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AS BASIS FOR DISCUSSION. HOWEVER, US DOCUMENT MIGHT PROVE VERY USEFUL. GREECE SUPPORTED CHAIRMAN'S PROPOSAL TO PROCEED ON BASIS OF CONSOLIDATED TEXT. IRAQ OBSERVED THAT WHILE WG COULD NOT GO TO ONE DOCUMENT, CONSOLIDATED TEXT ON ALL DOCUMENTS WAS DIFFERENT MATTER. CHAIRMAN ANNOUNCED THERE WAS NO QUESTION OF DISCUSSING ONE DOCUMENT BUT THAT WORK WAS BEING DONE ON BASIS OF CONSOLIDATED TEXT. NETHERLANDS AND SOVIETS ENVINCED INTEREST IN US COMPARATIVE TABLE. MALTA OBSERVED THERE WAS APPARENTLY CONSENSUS ON USING US COMPARATIVE TABLE TO TAKE INTO ACCOUNT ALL PROPOSALS.

12. BRAZIL ASKED IF US WAS TENTATIVELY SUGGESTING LANGUAGE OF 1958 CONVENTION. US REPLIED THAT IT WAS

AT THIS TIME ENDORSING RELEVANT PROVISIONS IN CONVENTION
ON TERRITORIAL SEA AND CONTIGUOUS ZONE. BRAZIL
THEN ACCEPTED US COMPARATIVE TABLE AND SUGGESTED THAT
IT MIGHT BE WORKING DOCUMENT FOR WG.

13. CHAIRMAN ANNOUNCED THAT DOCUMENT SUBMITTED BY
US WAS ONE ALTERNATIVE SUBMITTED BY SINGLE DELEGATION.
IF OTHER DELEGATIONS WISHED TO DRAFT NEW ALTERNATIVES,
THEY WERE FREE TO DO SO. IF US WANTED TO INTRODUCE
ADDITIONAL PROVISIONS IN ITS ALTERNATIVES, IT WAS
ALSO FREE TO DO SO.

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